

**METROPOLITAN NASHVILLE-DAVIDSON COUNTY
TRANSPORTATION LICENSING COMMISSION**

Minutes of

December 21, 2004

The Metropolitan Nashville-Davidson County Transportation Licensing Commission (the "Commission") met in regular session on this date at the Metropolitan Nashville General Sessions Judicial Complex in Metro Center. The Commissioners present were Chair Cynthia Odle and Commissioners A. Roger Abramson, Ray Dayal, Gladys Lozada, and Holly Sharp (5). Also attending were Metro Legal advisor Jason Bergeron, Commission staff members Larry Ennis, Walter Lawhorn and Lisa Steelman, and Brian McQuiston, Director-Executive Secretary to the Commission.

Chair Cynthia Odle called the meeting to order and led the Pledge of Allegiance.

The minutes of the November 23, 2004 meeting were unanimously approved.

TAXI DRIVER DISCIPLINARY HEARING

Chair Cynthia Odle informed Commissioners that a complaint had been received from Mr. Gordon Richard concerning an incident involving taxi driver Charlie Joe Agee.

Mr. Richard appeared before the Commission. He reported that, at approximately 6:00 p.m. on October 22, 2004, he was on his way to a fundraiser at The Trap on Woodland Street. He approached Mr. Agee's cab, which was parked on the street. He stated that Mr. Agee was cursing on his cell phone, and then began cursing loudly at him. Mr. Richard said that he initially walked away from the cab, then turned back to get the name of the cab company. When Mr. Agee continued to curse at him and waved a card at him from the cab, Mr. Richard came to the driver's side to get the card. He said that Mr. Agee reached to take something from the glove compartment. Concerned for his safety, Mr. Richard said that he then backed away and went into The Trap.

Taxi driver Charlie Joe Agee appeared before the Commission. **Chair Cynthia Odle** asked him if he was represented by counsel; Mr. Agee said he did not need anyone to represent him. He stated that he had been making a personal call on his cell phone, and that was none of Mr. Richard's business. He stated that Mr. Richard was at fault, and denied giving Mr. Richard his card. The card, however, had been included with Mr. Richard's complaint when it was filed.

Director Brian McQuiston noted that Mr. Agee had also been charged with operating his taxi on October 29 with an expired permit. Mr. Agee denied that charge, stating that he was not in service. Taxi inspector Walter Lawhorn told the Commission that he had personally confronted Mr. Agee, with passengers in his cab, on that date, and had ordered his cab taken out of service.

Chair Cynthia Odle noted that Mr. Agee had been placed on probation twice before by the Commission. When Mr. Agee denied this, she cited the minutes of October 26, 1999, and noted that the incident with Mr. Richard had occurred while he was still on probation. **Commissioner Holly Sharp** noted that Mr. Agee's open belligerence toward witnesses and disrespect toward the Commission demonstrated that he had a severe anger problem, and was unwilling to take responsibility for his actions. She moved to revoke his permit. **Commissioner Roger Abramson** seconded, and the motion to revoke was approved unanimously. Mr. Agee surrendered his driver's permit. He continued to threaten Mr. Gordon as he left the courtroom.

DRIVER APPLICATIONS

Raymond N. Dean – Wrecker Driver Application: Mr. Dean appeared before the Commission with his counsel, Mr. Michael McGovern, and management representatives from West Nashville Wrecker. Mr. McGovern stated that Mr. Dean had been with the company since July 2004, and had been an exemplary employee. **Chair Cynthia Odle** noted that Mr. Dean’s record included two convictions for assault. Mr. McGovern responded that these were simple assaults involving former domestic partners. Chair Odle expressed concern that these had been with two separate partners, demonstrating a propensity to violence against women. Mr. Randy Bombard, manager of West Nashville Wrecker, stated that Mr. Dean had displayed no problems with female customers or associates; in fact, he had received two separate commendations from customers in recent months. Mr. Larry Pedigo, driver supervisor, stated that there had been no complaints from customers about Mr. Dean. **Commissioner Holly Sharp** moved to grant Mr. Dean a six-month temporary permit, restricted to West Nashville Wrecker; if he had no problems during that time, then these restrictions could be lifted. **Commissioner Ray Dayal** seconded, and the motion was unanimously approved.

Joseph Barnes – Wrecker Driver Application: Mr. Barnes appeared before the Commission with his counsel, Mr. Michael McGovern, and management representatives from West Nashville Wrecker. **Chair Cynthia Odle** noted that Mr. Barnes’ record included a conviction for domestic assault in June 2004 and a conviction for harassment/repetitive calls in 2002. Mr. Barnes explained that both charges involved his former spouse, and were related to disputes over custodial arrangements. He added that he was on probation for violating an order of protection from the court; but that this had caused him to work out transfer of custody arrangements with his former wife that will prevent future altercations. He stated that he was attending behavior management classes in connection with his parole. **Commissioner Roger Abramson** expressed concern that little time had passed since Mr. Barnes’ most recent conviction, and that domestic violence counseling had only been under way for three months. **Chair Cynthia Odle** asked Mr. Barnes how he could convince Commissioners that he would take responsibility and act appropriately as a driver. Mr. Barnes stated that he had learned from his mistakes, and the fact that he had initiated making the new arrangements with his former wife demonstrated that he would be responsible. He added that he had never missed a child support payment in five years, even when he had lost his job at one point. Company manager Bombard and driver supervisor Pedigo stated that Mr. Barnes had been working with West Nashville Wrecker for almost one year, without any behavioral problems. After some discussion, **Commissioner Roger Abramson** moved to grant Mr. Barnes a one-year temporary permit, restricted to West Nashville Wrecker; if he had no problems during that time, then these restrictions could be lifted. **Commissioner Holly Sharp** seconded, and the motion was unanimously approved.

Johnny W. Tucker – Taxi Driver Application: Mr. Tucker appeared before the Commission with Mr. Bill Young, owner of Allied Cab. **Chair Cynthia Odle** noted that Mr. Tucker had an extensive history of criminal convictions, including drug-related crimes. She asked him about a patronizing prostitution conviction in 2002. Mr. Tucker explained that he had been stranded one night, and had been approached by a woman, from whom he had asked for a ride home. He said that the woman, an undercover police officer, arrested him for patronizing prostitution; because he was concerned about being incarcerated for breaking parole, he pled guilty. Commissioner Odle asked him about his drug use. Mr. Tucker responded that, while he was in jail, he had decided to turn his life around. He stated that he was in a twelve-step program, was attending Men of Valor sessions, and was living with one of his sons. He added that, as part of his parole, he was required to undergo random drug testing. Mr. Young stated that Mr. Tucker had been a driver with Allied Cab before, and had been a good driver until he got involved with drugs. He stated that he would be willing to give Mr. Tucker another chance. **Commissioner Holly Sharp** asked if the Commission could require Mr. Tucker to undergo regular drug testing. After some discussion, **Commissioner Ray Dayal** moved to grant Mr. Tucker a permit, restricted to Allied Cab, and to place him on probation for one year, with required quarterly drug tests as directed by commission staff. **Commissioner Roger Abramson** seconded, and the motion was unanimously approved.

There being no further business, the meeting was adjourned.

ATTEST:

Brian E. McQuiston
Director-Executive Secretary

APPROVED:

Cynthia M. Odle
Chair